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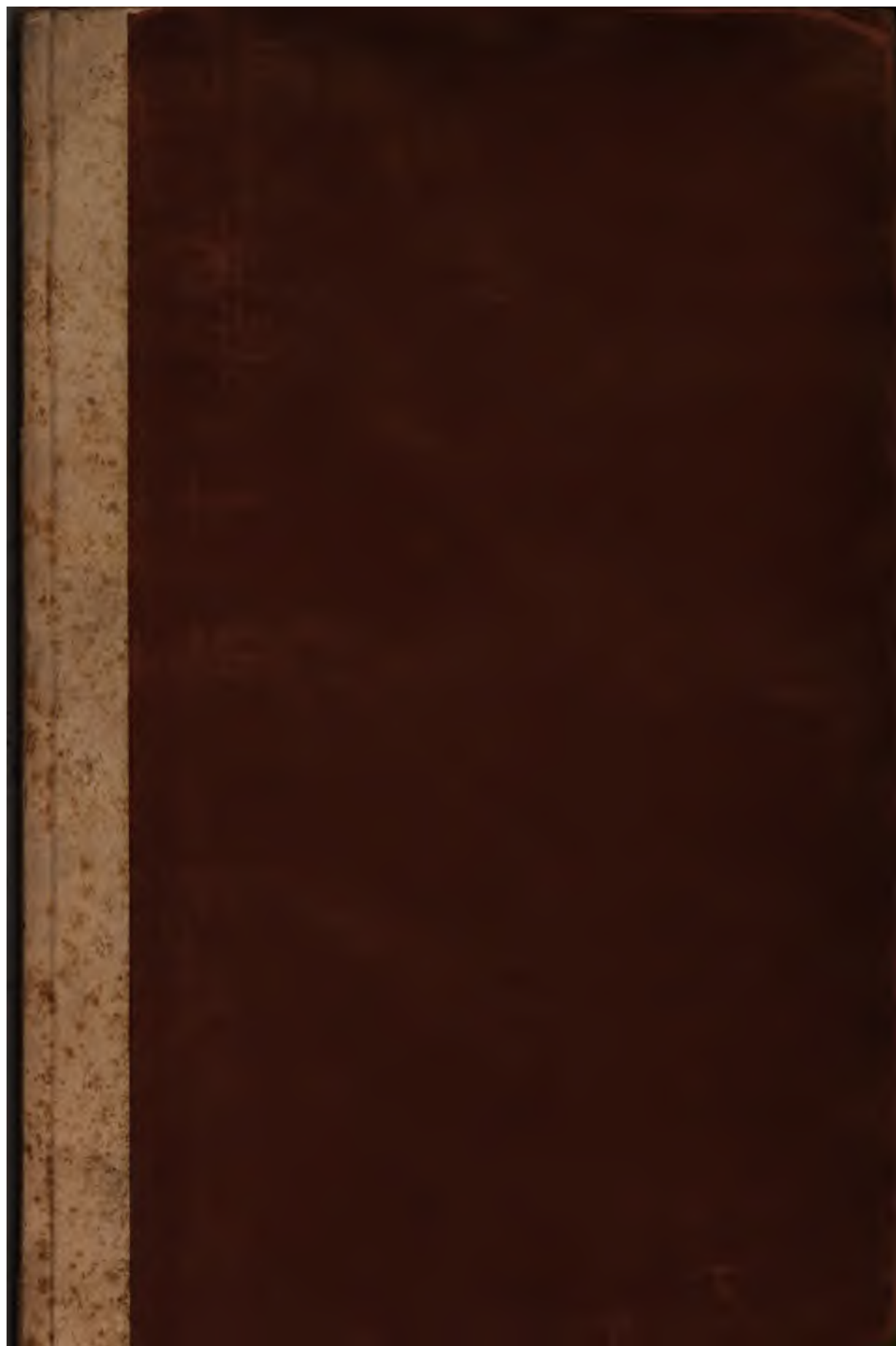
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# THE AFFIRMATION BILL.

BY THE EARL OF ABERDEEN.

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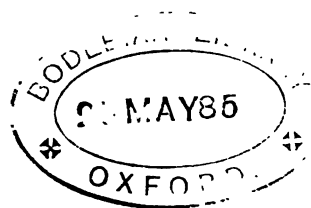
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THE following pages contain, with but slight alteration, the reprint of an article which appeared in the *Fortnightly Review* for the present month.

The writer has not attempted to treat the subject exhaustively. His aim has rather been to meet some of the objections which have been urged against the Affirmation Bill on the ground that to support it would be inconsistent with a due regard for the interests and the obligations of Religion.

LONDON: *April* 20, 1883.





## THE AFFIRMATION BILL.

THE prolonged controversy upon the whole subject, or group of subjects, suggested by the Affirmation Bill will in a short time be brought to a distinct issue. Parliament will be asked to decide whether the option of substituting an affirmation for the oath should apply to any member, instead of being limited, as at present, to those who belong to certain sects. Hitherto the discussion has been partly fed by conflicting views and statements regarding matters which are not strictly relevant to the subject; and though it is too much to hope that the next stage of debate will be kept clear of such side issues, yet it seems eminently desirable that during the present interval all persons who are interested in this dispute, whether in Parliament or out-of-doors, should, calmly surveying the question in its present position, once more examine the ground which may legitimately be occupied by the forces on either side.

Such a review is rendered all the more expedient by the fact that, with regard to the character and effects of the Bill now pending, a number of assertions have been publicly made, which, if well founded, would certainly lead to conclusions that ought to ensure the rejection of the measure. It has, for example, been designated a Bill *for the abolition of the parliamentary oath*. But in what sense can it be said that the measure contains any such destructive element? The essence of the Bill is not to abolish a rule, but to provide for the exceptions to that rule. In one sense the exemption is general, inasmuch as the qualification for coming under its operation is not restricted to any specified class of men; but the presumption of law, and also, in the main, the practice, would, under the proposed measure, remain as at present.

It has been further declared that the contemplated legislation is to secure the *admission to Parliament of atheists* in general, and of Mr. Bradlaugh in particular. This opinion is of course based upon the assumption that the oath is a test, and an effective test, of the religious opinions of those who are returned to Parliament. The exacting of this oath, however, if in any sense a religious test, is so only in an accidental and inferential manner. The design of the oath is clearly to obtain a reliable declaration of loyalty to the Sovereign as head of the Constitution. It is strictly an oath of allegiance, and that such is its character and intention may also be inferred from the alternative form, the affirmation, which runs as follows:—

“I do solemnly, sincerely, and truly declare and affirm that I will be faithful and bear true allegiance to her Majesty, Queen Victoria, her heirs and successors, according to law.”

Keeping in view the fact that the use of this affirmation in place of the oath was a concession to persons whose creed, though it forbade the actual taking of an oath, was essentially religious, it does not seem unreasonable to assume that, if the obtaining of a religious test had been one of the objects in view, some allusion at least, implying a belief in the existence of the Almighty, might have been inserted without offending the consciences of those for whose relief the formula was provided.<sup>1</sup> But, as we have seen, the form of affirmation contains no such allusion.

The absence of any intention to include a religious test within the character and scope of the oath is, however, still further manifested in the history of the various modifications to which it has from time to time been subjected. It is unnecessary here to examine these changes in detail,<sup>2</sup> but it may safely be asserted that the conclusion to be drawn from the mode in which each difficulty as it arose was discussed and adjusted, is that the careful supervision which Parliament has exercised on the taking of the oath has not been prompted by a desire to ascertain what were or were not the religious opinions of those who presented themselves as claiming the privileges of duly elected members, but that this watchful control has been exercised simply with regard to a literal conformity to existing law and usage; and further, the decisions of Parliament in this matter have pointed to an increasing recognition of the principle that the object to be aimed at is, that each member should give the required assurance in the form most binding on his conscience.

But it may be conceded that both the original intention and the subsequent significance of the oath would be of comparatively little consequence, as regards the particular argument with which we are now dealing, if it could be shown that the obligation forms an efficient and satisfactory bar to the admission of professed atheists to a seat in the House of Commons. This, then, is the contention which we have now to examine.

With regard to Mr. Bradlaugh (whose figure is so constantly and so prominently thrust upon our view that it is sometimes difficult to catch sight of the other aspects of the subject under discussion), he will undoubtedly, if the Affirmation Bill becomes law, immediately take advantage of it; or rather, to speak more correctly, he will, under its operation, take his seat in the House of Commons; for as to advantage, he, and those who agree with him, have gained more prominence, and it is to be feared more sympathy, by his exclusion than would have accrued by his immediate admission. But with regard to his exclusion, although it has thus far been secured by means of

(1) In a form of marriage ceremony which is largely recognised by the Society of Friends the bridegroom says, "I promise, *in the fear of the Lord*, to love, cherish," &c.

(2) For further information on this subject reference should of course be made to Sir T. Erskine May's valuable and interesting work on the *Laws and Usages of Parliament*,

the statutory provision regarding the oath, it must be borne in mind that this result has not been attained through the inherent efficacy of that instrument as a religious test. Its force has been derived from adventitious and, in a large measure, extraneous circumstances. In the first place it is certain that some good authorities are of opinion that when originally Mr. Bradlaugh claimed the right to affirm, he might, without contravention of the statute, have been permitted to do so. Therefore the success of the challenge which was then offered in opposition to his claim may be regarded as having depended upon at least an arguable point of law.

Next, there can be no doubt that it was owing to the utterances of Mr. Bradlaugh, and the notoriety attaching to them, that his subsequent attempt to take the oath was frustrated, although he expressly declared that the taking of the oath, although the religious sanction was to him without meaning, would yet be binding on his conscience. But after the emphatic declaration which Mr. Bradlaugh had made of his utter and scornful rejection, not only of the religious sanction of the oath, but of all that is implied in a recognition of that sanction, it was felt that to permit him publicly to enact such a farce would have been an intolerable offence against not only every sentiment of reverence but of decorum, and Parliament very naturally passed a resolution prohibiting such a proceeding.

A reference to these transactions has a not unimportant bearing upon the discussion of the allegation which we are at present considering; for if, under the existing statutory arrangement, even Mr. Bradlaugh has barely been debarred from entering upon the full privileges of membership, it follows, by an *a fortiori* argument, that in the case of other persons professing atheistic or agnostic views (who may hereafter be elected), the Parliamentary oath would be even less effective. If Mr. Bradlaugh is willing to take the oath, it may be assumed that others who wholly or in part agree with him would do the same.

If, then, for the sake of argument, we contemplate the possibility of several persons of such views being returned to Parliament (*μὴ γένοιτο*), it would become necessary that a discussion should be held, or an inquiry instituted, in order to decide whether their previous public utterances or writings of an anti-religious description had in each case been of a character so emphatic as to render the taking of the oath a profanation. Can anything be imagined which would be more injurious, we need not say to the dignity of Parliament, but to the interests of religion itself? No; if the object to be aimed at is the statutory exclusion from Parliament of all who profess to be unbelievers, we must strike deeper, and enact that all such persons are *ipso facto* disqualified from sitting in Parliament, and are there-

fore ineligible for election; and it is well that the opponents of the present Bill should consider and declare whether they would be prepared to advocate such a measure, and whether, if such a measure were passed, it would under present circumstances be favourable to the maintenance and growth of national religious feeling.

We must now pass on to consider a third count in the indictment of the Affirmation Bill. It is declared that by the passing of such an Act *the religious basis* on which all legislation, at least in theory, rests, will be damaged or destroyed. The argument on which this statement rests is, apparently, that the proposed measure involves the formal recognition of atheism as such by the legislatura. It is admitted that men whose views might fairly be described as agnostic have obtained, and may again obtain, admission to Parliament under the law as it now stands; but it is urged that in such cases the legislature does not make itself cognisant of the fact. It is to be noted, however, that the preamble of the Bill justifies no such interpretation. It simply recites that "Whereas it is expedient to amend the Parliamentary Oaths Act," and then, after the customary preface, follows the enacting clause, which provides that every member "may, if he thinks fit, instead of making and subscribing the oath of allegiance . . . make and subscribe a solemn affirmation." All this is doubtless a matter of formal expression, but the argument under consideration deals avowedly with Parliamentary form and phraseology apart from individual conviction; and from this point of view the wording of the Act is of the utmost importance.

It will perhaps be represented that the deleterious character of the Bill lies in its intention, and that it is brought forward for the purpose of enabling Mr. Bradlaugh, the atheist, to sit in Parliament. As to any avowal of a purpose or intention on the part of the legislature concerning the admission of an atheist, we have already pointed out that there is nothing in the Bill which will bear this interpretation; and as to the actual wishes of the members of Parliament, it is certain that a very large majority deplore the election of any such person, and abhor the idea of his having a seat in the House. With regard to the accusation implied by such opprobrious designation as "The Bradlaugh Relief Bill," it may at once be admitted that the proposed legislation is a direct consequence of the unfortunate complications and painful scenes which resulted from Mr. Bradlaugh's election; but, in fact, if Mr. Bradlaugh were now to disappear altogether, the Bill would no doubt be proceeded with in order to prevent a repetition (which might otherwise recur at any time) of a scandal discreditable to the character of Parliament, damaging to the cause of order, and detrimental to the influence of religion; and therefore instead of describing the Bill as having been introduced for the sake of Mr. Bradlaugh, it might be

more accurate to speak of it as introduced for the sake of order, of morality, and of religion.

We have now considered three principal charges which have been brought against the Bill from what may be described as the religious standpoint. No doubt other objections of a more or less subordinate character have been or will be raised against it; but it will probably be found that most of these may be grouped under one or other of the heads which have been here quoted. Each of these propositions, if accepted, would furnish premises for a formidable argument—formidable, at least, to every religious mind; and therefore such propositions having been freely laid down and somewhat hastily accepted, the vast amount of hostile feeling which has been excited is not surprising; nay more, on the assumption that the character attributed to the Bill is justly earned, the hostility which has been evinced towards it is not only natural, but it is altogether commendable.

The dislike and suspicion with which the proposed measure has been regarded are largely due to an impression that its enactment would involve the withdrawal, at least in part, of the public and national recognition of Almighty God. Anything which deals even in appearance, with this great principle ought undoubtedly to be regarded as most serious and important; and assuredly any arguments connected with it should be met in no captious or inconsiderate spirit, especially by those who hold that every genuine acknowledgment of the sovereignty of the All-wise Ruler of the universe, and the recognition of His guiding hand, ought in every way to be fostered and maintained. And although with regard to the best and truest mode of attaining that end, there is scope for a wide divergence of opinion, yet most religious men agree in supporting the general principle. But if the Parliamentary oath of allegiance to the Throne and Constitution possesses any real significance in this sense, it is a significance due not to intention and purpose, but is of that accidental character which, as we have already remarked, attaches also to whatever efficacy it contains as a religious test, and has in fact been mainly derived from the assertions and inferences of a special controversy largely political in character.

The main contention rests, after all, upon this same *test* character which is attributed to the oath. The oath, coupled with a strictly limited option of making affirmation in lieu thereof, is regarded as the barrier by means of which atheists are to be excluded from the national council and government. Now even those who believe in the general efficacy and advantage of religious tests, will probably admit that an accidental test can scarcely be satisfactory or efficient in operation. An illustration (which seems rather pertinent to the present discussion) is afforded by the history and effects of a clause

which was for a time inserted in the Parliamentary oath. When the Catholic Emancipation Act was passing through the House of Lords (in which House, by the way, the measure had an easy victory), one of the bishops moved and carried the insertion of the words "On the true faith of a Christian." What was the practical effect of the test thus imported into the oath? Simply to postpone for thirty years the admission of Jews to Parliament. In more than one instance during the interval an elected member belonging to the Jewish persuasion presented himself at the table and was permitted (somewhat inconsistently it would seem) to swear on the Old Testament; but when it was reported to the House that such member had omitted the words "On the true faith of a Christian," it was resolved that he should not be entitled to sit or vote in the House "until he shall take the oath in the form appointed by law."

If we turn from the question of the efficiency of indirect as compared with direct methods, and glance at the general effects of the whole system of religious tests, what do we find is the teaching of history regarding the general utility of such provisions? With respect to England during the past three centuries, it would hardly be too much to say that the religious life of any particular creed appears to have been in an inverse ratio to the rigour with which that creed was artificially protected. When we look, for example, at the state of matters towards the beginning of the present century, what do we find? The Church of England then enjoyed exclusive privileges in matters too numerous to mention here; but that, too, was a period of comparatively little life and activity in the Church; a period of dreary services and drowsy sermons; while at the same time, in manners and morals the tone of society was generally low. Those, too, were the days when slavery was tolerated, when duelling was fashionable, and when other evil practices prevailed which are now happily regarded with public reprobation. Let it not for a moment be supposed that these matters are alluded to by way of suggesting a self-satisfied comparison between ourselves and our forefathers. There is enough around us to check any such complacency; but while it is unnecessary to discuss how far, if at all, the vast increase of spiritual life in the Church has been affected by "test acts," it is certain that this increase of vigour and usefulness has advanced contemporaneously with the removal, to a large extent, of those precautions.

I am aware that tests in favour of a Church are not to be regarded in the same light as those which rest upon a more comprehensive theological basis; but in principle there seems to be enough in common between the two to justify some such inference as that to which I have alluded.

Reverting again to the legislation before us, it is no doubt the case that many people who have no great faith in the efficacy of religious tests in general, and who admit that the Parliamentary oath is not a real or sufficient safeguard in that sense, nevertheless object to the Affirmation Bill on the ground that, however laudable may be the intention of its promoters, the controversy by which it has been preceded, and with which it must to some extent be associated, has so largely turned upon the question of the admission or non-admission of a professed unbeliever, that the passing of the Bill will inevitably be regarded in many quarters as a secularist victory, and will thus give a stimulus and encouragement to the propagation of freethinking views. It is no doubt to be expected that the advocates of those views will do their best to represent the matter in that light, and unfortunately the more that the Bill is opposed on religious grounds, the greater will be the plausibility and emphasis of such misrepresentations.<sup>1</sup> But the risk of misunderstanding and misinterpretation is not sufficient to counterbalance the indirect benefits which, as I have endeavoured to show, may be expected to result from the adjustment of the present difficulty; and whatever undesirable significance may be attributed to the passing of the measure, it is tolerably certain that still greater mischief in the same direction would be occasioned by its rejection.

That it should be necessary, in any sense, to take account of the forces of infidelity may well cause pain and regret; but to ignore that of which we disapprove is not always the best way to counteract and overcome it; and (to adopt a common simile) to insist upon the continued occupation of an inconvenient and unimportant outpost is not always essential to the maintenance of the prestige and supremacy of the power in whose name it may nominally have been held. This illustration naturally leads us to remark that it seems scarcely fair to speak of the passing of the Affirmation Bill in the language which is increasingly used concerning it, as the sweeping away of every vestige of recognition, on the part of the legislature, of the Divine power. It is suggested, for instance, that in quitting "the narrow ledge of Theism" we shall be guilty of "governmentally disowning God." But have we no better tribute of allegiance to the Almighty than that which is implied by the oath? We may point to the usage according to which, in the speech from the Throne at the opening and at the conclusion of every session of Parliament, the guidance of an over-ruling Providence is in the one case sought and in the other acknowledged; and especially we may

(1) Mr. Henry Crompton, speaking recently at the "Church of Humanity," remarked that in his opinion the prolongation of this controversy was much to be desired.



point to the institution of daily prayers in both Houses of Parliament.<sup>1</sup> Here we have, I submit, a far more direct and intelligent expression of a public and Parliamentary recognition of the Supreme Being than is to be found in the oath. And any proposal to destroy the existence or significance of these observances might well be resisted unanimously by religious men. Moreover, if even with respect to the present proposal those who are responsible for its introduction were to declare that their action was prompted by a disregard of religion, the aspect of the controversy would be entirely changed; but when upright and responsible statesmen publicly disclaim any such disposition of mind, we are bound to accept their assurance, whatever may be our opinion as to the wisdom and expediency of the course which they are adopting. A time may possibly arrive when the contest between the confession of religious faith and the profession of agnostic unbelief will take a new and more decided shape—when the trumpet shall give no uncertain sound, and when all will be called upon to battle on one side or the other; but is it wise, is it just, to summon us to the defence of what many regard as a citadel of straw, the perpetuation of which will not ensure a practical gain, while its overthrow, if such should take place, will, owing to the warlike resistance which has been offered, acquire an unnatural and damaging significance? I may probably be told that at a critical time there will never be wanting those half-hearted adherents who, through motives of fear or self-interest, will always counsel a discreet surrender. Granted; but let us at least endeavour to secure that the question on which the contest is to be waged shall be free from the influences of party politics, of which the present controversy has certainly a considerable admixture. I would even venture to implore those earnest men who are using every exertion to ensure the rejection of the Bill before us, to consider once more whether their efforts are really calculated to promote the interests of that sacred cause which with such absolute sincerity they have at heart.

Thus far we have kept in view the opposing arguments of persons who do not rest content with a barren orthodoxy, but whose professed principles are carried into the practice of useful and earnest religious activity. Representations from such a quarter are entitled to the respect of all; and in the case of religious men there will be combined with that feeling of respect an element of sympathy, though not necessarily of agreement.

But is it not at the same time true that with regard to some of the loudest denunciations against the Government proposal, it is im-

(1) In the House of Commons the Speaker's chaplain reads prayers, but if the chaplain happens to be absent the service is conducted by the Speaker. "Every man a priest in his own house."

possible without a considerable stretching, nay, a positive straining of charity to attribute to the attack a character of consistency? We who support the Bill are taunted with being "Bradlaughites," and so forth. Yet it is certain that many who regard the Bill with approval, albeit a reluctant approval, regard the doctrines of which Mr. Bradlaugh is the exponent, with detestation; and this feeling applies not only to the doctrines, but to the language and style in which at times they have been set forth. Mr. Bradlaugh may endeavour to pose as the enlightened agnostic philosopher, but the grossness of many of his past attacks on Christianity render the assumption of such an attitude preposterous. His so-called arguments have frequently been mere vituperation, and to couple such methods with those, for example, of men like the late John Stuart Mill, would be something like including the monstrous tyranny of "boycotting" under the head of constitutional agitation.

But the matter for reproach lies not in the fact of Mr. Bradlaugh taking his seat in Parliament, but in the fact of his election. That election may be described as the result of crass ignorance, mingled with that irrational conceit which is produced by a smattering of information imparted to a prejudiced mind. Such, too, is the state of mind (not found only among the humbler classes) in which the nominal adherence which may have been accorded to the Christian religion is easily disturbed or overthrown by any shallow infidel tract. Such a state of matters naturally excites a feeling of contempt; but the feeling may well be checked by a reflection, an inquiry, as to what we professing Christians have done towards the cure of these evils. How far has our influence been exerted in support of those various religious agencies whose teaching and operations are the surest antidote to Socialistic habits of thought as well as to depraved habits of life? Have we not often been content either to ignore such efforts, or to assent to the polite sneer with which (no matter by what particular school of religious conviction the work is being carried on) these exertions are sometimes referred to as the outcome of superstitious enthusiasm or of puritanical fanaticism? Nor is it surprising that mistaken opinions should be held concerning both the motive and the influence of such zeal, if we allow ourselves to drift into the delusion of regarding Christianity as a prohibitive system of forms instead of as a spiritual commonwealth, enfranchisement in which is the only road to the true, the spiritual freedom. And further, is there not in many circles where great stress is just now being laid upon the necessity of excluding atheism from Parliament, a remarkable toleration concerning much that is altogether inconsistent with the revealed will of that God whose name is, as it were, invoked against the contemplated legislation? The reports of those scandals which are sometimes so airily discussed

over the tea-table or in the smoking-room are not confined to the social grade in which they happen to originate. They are not helpful to the cause of order and religion among "the masses." They are quoted and very plainly commented upon in the tailor's shop, in the dressmaker's workroom, and far beyond. Yes, and they are not unnoticed amidst the ghastly merriment and reproachful despair of the street pavement.

But irrespective of the force or consistency which may be claimed for the arguments against the Affirmation Bill, the practical question remains, What is to be done? It is vain to urge that if the Government had managed better this measure would not have been required; certainly an intention to support the Affirmation Bill does not necessarily imply a conviction that the Government have made no mistakes in dealing with the delicate and novel phases of the painful complication which has preceded it. But it is useless to attempt now to "hang up" the question. What, then, would be the result of the rejection of the Bill? Two courses would be open to the Government. They might at once abandon the proposal, in which case we would have to contemplate a long vista of agitation and mob meetings, and especially of determined efforts to return members pledged to support another similar Bill on the grounds of secularism. There would, moreover, soon be a tendency (if it does not exist already) on the part of the least educated portion of the populace to regard Mr. Bradlaugh as a martyr not merely to religious but to class prejudice—something of the kind which produced such declarations as "I don't care whether he's Tichborne or whether he's Orton, but I won't see a poor man *done out of his rights!*"

On the other hand, the Government might possibly consider it their duty to resign, the result of which might conceivably be that a Conservative ministry would succeed to office; but the difficulty and the cause for discontent and agitation would still remain.

In conclusion, there can be no doubt that the importance and interest of this question has arisen mainly from the theological aspect which it has assumed; it is therefore one which no religious politician can afford to shirk. The occasion demands a full recognition of all the facts connected with it, and especially the fact that such a personal realisation of individual responsibilities as will lead to active sympathy with the efforts to promote genuine godliness, will, more than the maintenance of religious tests or external badges of orthodoxy, tend to the furtherance of true religion and the practical recognition of the sovereignty of the Almighty.





























































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